

REMARKS

Careful consideration has been given to the Examiner's Action mailed April 4, 2005 in connection with the above-referenced patent application. The Examiner's recognition of allowable subject matter in claims 6, 14 and 26 is appreciated. Nonetheless, reexamination and reconsideration of the application is hereby respectfully requested.

The Office Action

The Examiner rejected claims 16, 27 and 28 under 35 USC §102(e) as being anticipated by U.S. Patent No. 5,923,712 to Leyendecker et al.

Claims 1-3, 8-12, 15, 18, 19, 22-24, 31 and 32 were rejected under 35 USC §103 as being unpatentable over U.S. Patent No. 5,920,808 to Jones et al. in view of U.S. Patent No. 6,493,543 to Shin et al. and further in view of U.S. Patent No. 5,963,549 to Perkins et al.

Claims 4, 5, 7, 13, 20, 25 and 33 were rejected under 35 USC §103 as being unpatentable over the Jones et al. patent in view of the Shin et al. patent, further in view of the Perkins et al. patent and further in view of U.S. Patent No. 6,288,610 to Miyashita.

Claims 17, 21, 30 and 34 were rejected under 35 USC §103 as being unpatentable over the Jones et al. patent in view of the Shin et al. patent.

Claims 6, 14 and 26 were objected to as being dependent upon or rejected based claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

The Claims are Patentably Distinct Over the Cited Patents

Claims 16 and 27-28 were rejected under 35 U.S.C. §102(e) as being anticipated by the Leyendecker patent. However, as detailed below, Leyendecker does not anticipate these claims.

As previously noted, Leyendecker does not fairly disclose a receiver, as disclosed and claimed, that samples an RF signal. Leyendecker merely discloses a trainer 431 (Figure 4) that reviews the entire frequency spectrum, not samples. The Leyendecker system then performs a waveform analysis, or waveform comparison. The receiver of the present invention allows for an analysis of selected frequency samples to occur, not a waveform comparison. The receiver of the present embodiments allows the sampling to occur at selected frequencies to measure the RF power in a narrow bandwidth (e.g., page 7, lines 10-25 and page 11, lines 10-14). Again, this is not a waveform comparison. Accordingly, claims 16 and 27-28 -- which recite such a receiver for sampling -- are not anticipated by Leyendecker.

Moreover, as previously asserted, independent claims 16 and 27 recite means-plus-function language. As mandated by statute (i.e., 35 U.S.C. §112, sixth paragraph), the details of the specification must be referenced to interpret these claims. In this regard, it is clear that at least the means for sampling (which samples at selected frequencies to measure power in narrow bandwidths), as disclosed, does not correspond to the teachings of Leyendecker. Leyendecker relates to a waveform analysis, not a spectrum analysis. The Examiners' analysis does not take this distinction into account in his rejection or response to arguments. As such, these claims, and all claims dependent thereon, are allowable.

Claims 1-3, 8-12, 15, 18, 19, 22-24, 31 and 32 were rejected as being obvious over Jones in view of Shin and Perkins.

However, independent claim 1 recites a receiver that is tuned to at least one specific frequency to measure RF power over a narrow bandwidth. Similar to the arguments above, it is clear that Jones does not illustrate a receiver that samples the RF signals as claimed and disclosed in this way. The Jones patent relates to a system that performs waveform comparison, not spectrum analysis. The Examiner points to no portion of Perkins that would cure this deficiency.

The Examiner relies on Shin for teaching of a receiver being tuned to at least on specific frequency offset from a carrier frequency. However, Shin is not fairly combinable with the previously noted patents that relate to waveform comparison. Presuming that Shin relates to spectrum analysis, this technology is an entirely different approach to predistortion techniques than waveform analysis. This, of course, has been previously argued in connection with the differences between the present invention and the cited documents. Shin is further distinctive and not combinable because the system of Shin does not specify that predistortion is being applied to a baseband signal, as claimed. Indeed, the circuit shown in Figures 5, 7, 12 and 13 of Shin imply that predistortion techniques are being applied to an RF signal, as opposed to a baseband signal. Therefore, the claims are not rendered obvious by the combination.

Moreover, claim 9 recites a step of sampling to measure RF power at specific frequencies in a narrow bandwidth. This is clearly not fairly taught by the Jones patent, as noted above. Again, the Examiner points to no portion of Perkins that would cure this deficiency. Further, it is submitted that the receiver of Shin is a broadband receiver whereby processing is required to obtain desired frequencies, as opposed to the use of a narrow band receiver of the present invention.

Accordingly, the claims are not rendered obvious by the suggested combination of Jones in view of Perkins.

Claims 4, 5, 7, 13, 20, 25 and 33 were rejected under the Jones, Shin and Perkins combination in further view of Miyashita. However, these claims are all claims dependent upon claims submitted to be allowable. It is submitted that the addition of Miyashita does not cure the deficiencies of the combination noted above.

Claims 17, 21, 30 and 34 were also rejected under 35 U.S.C. §103 as being obvious in view of the Jones and Shin combination. The Examiner's formal rejection takes on substantially the same form as that in the last Office Action. Therefore, the

Examiner is referred to the previous amendment for the applicants' response.

However, independent claims 17, 21 and 30 now recite a receiver that is tuned to at least one specific frequency to measure RF power over a narrow bandwidth. This is clearly distinguishable over the citations of the Examiner. In this regard, Jones does not disclose a system that includes a receiver operative to obtain samples of signals, as disclosed and claimed in the present embodiment. The system of Jones' patent utilizes a waveform comparison in that it retrieves the entire waveform from the output of the amplifier and compares that waveform to the waveform that is input to the amplifier. The present embodiment has no need to perform a waveform comparison and/or to analyze the input waveform.

The Examiner relies on Shin for teaching of a receiver being tuned to at least on specific frequency offset from a carrier frequency. However, Shin is not fairly combinable with the previously noted patents that relate to waveform comparison. Presuming that Shin relates to spectrum analysis, this technology is an entirely different approach to predistortion techniques than waveform analysis. This, of course, has been previously argued in connection with the differences between the present invention and the cited references. Shin is further distinctive and not combinable because the system of Shin does not specify that predistortion is being applied to a baseband signal, as claimed. Indeed, the circuit shown in Figures 5, 7, 12 and 13 of Shin imply that predistortion techniques are being applied to an RF signal, as opposed to a baseband signal. Because each of the independent claims 17, 21 and 30 recite the RF sampling features as above, these claims, and all claims dependent thereon (claim 34), are not rendered obvious by the suggested combination.

**CONCLUSION**

It is respectfully submitted that the subject application is now In better condition for allowance.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

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Date

Joseph D. Dreher

Reg. No. 37,123

1100 Superior Avenue

Seventh Floor

Cleveland, Ohio 44114-2579

216-861-5582

CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this ^{Response} ~~Amendment~~ is being

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